

CITY OF CLEWISTON
Regular Commission Meeting
November 16, 2015

The City of Clewiston City Commission held its regular Commission meeting in the City Hall Commission Chambers Monday, November 16, 2015. The meeting was called to order at 5:00 p.m. by Mayor Phillip Roland. The audience joined in reciting the Lord's Prayer and the Pledge of Allegiance.

Commissioners Present: Mayor Phillip Roland, Vice Mayor Kristine Petersen, Commissioner Mali Gardner, Commissioner Sherida Ridgill, and Commissioner Julio Rodriguez.

Personnel Present: City Manager Al Perry, City Clerk Shari Howell, Public Works Director Sean Scheffler, Code Enforcement Officer Debbie McNeil, Police Chief Don Gutshall, Utilities Director Danny Williams, Community Development Director Travis Reese, Recreation Director Lance Ramer, City Engineer Tommy Perry and Scott Jones, Karen Moore and Lynne Mila.

Visitors Present: Gloria Rosen, Paula Loeb, Rob McBee, Melissa Beltz, Asa Godsey, Betty Godsey, Christine Howell, Pepe Lopez, Hillary Highslope, Tabatha Ralston, Jerry Cochran, Donald Hughes, Laura Smith, Kevin McCarthy, Belinda Smith, Michael Atkinson and Ninette Aker.

ADDITIONS/DELETIONS/CHANGES AND APPROVAL OF THE AGENDA

Consent agenda items 1D and 1E were added; Surplus Equipment (Police Units) and revising inflatable policy. Agenda Item 8 was removed from the agenda.

ANNUAL SECURIAN PENSION PLAN UPDATE – GLORIA ROSEN, PAULA LOEB - AREA VP, ROB MCBEE – DUE DILIGENCE TEAM – Gloria Rosen gave a presentation to the Commission regarding the annual Securian Pension Plan. The City budgeted \$75,515 for the Fiscal Year 2016 contribution to the pension fund; the amount required by Securian for this payment is \$200,076. The increase in the contribution is a result of the rate of return being less than expected and new changes in the guidelines for actuarial assumptions. These changes to the guidelines are state mandated and reduce the interest rate assumption from 7% to 6.75%, they also include changes to the mortality tables utilized for assumptions and were done to be more consistent with the Florida Retirement System guidelines. The changes resulted in an increase in plan liabilities. Gloria Rosen stated that the figures for the annual contribution are not calculated until September 30th each year and no one could project what they would be. She did note that the loss was almost recouped as of November 12, 2015, but the figure taken into consideration for the annual contribution had to come from the actual figures from September 30, 2015. Commissioner Gardner stated she wanted to make sure the losses were monitored appropriately and adjustments made accordingly. Gloria Rosen introduced Rob McBee, Managed Assets Investment Manager with Securian who discussed the fund investments process and also explained due diligence in regards to monitoring the funds. Commissioner Gardner stated that she felt there was a big gap from September 30th until today; she stated she did not feel well informed about the condition of the pension fund at this time. Mr. McBee stated he would try to make sure the City had the information they needed going forward. Commissioner Ridgill wanted to know if the City could receive some sort of projection in August that could help forecast the direction of the funds in order to aid in budgeting the annual contribution that would be needed. Mr. McBee said that on the investment side Securian could provide Gloria Rosen with investment/market performance information that could help predict the contribution required. He then presented an overview on the current fund investments within the pension plan.

1. Consent Agenda

- A. *City Commission Workshop Minutes – October 15, 2015*
- B. *City Commission Minutes – October 19, 2015*
- C. *City Commission Final Budget Hearing Minutes – November 2, 2015*

Additions

- D. *Approval of surplus equipment – police units.*
- E. *Revision of Inflatable Policy*

Exhibit: Agenda Item No. 1A – 1E

Commissioner Ridgill made a motion, seconded by Commissioner Gardner to approve the consent agenda. Vote 5 yeas, 0 nays.

RESOLUTION

2. **Resolution No. 2015-19** – This resolution authorizes the issuance of a promissory note, in the principal amount of not to exceed \$450,000, to provide funds for the acquisition and purchase of certain municipal equipment, including a Caterpillar back hoe, tractor mowers and police vehicles and related costs and awarding the note to First Bank of Clewiston. City Manager Perry read Resolution No. 2015-19 by title. City Attorney Schoech stated Resolution No. 2015-19 authorizes the financing of the equipment. He said if the City was going to move forward with the financing, the purchase of the equipment would also need to be approved. He summarized the equipment as follows. One Caterpillar backhoe for \$98,600, two tractors from Wesco Turf; one for approximately \$13,000 and the other for approximately \$61,000 and ten police vehicles from Alan Jay. The purchase of the equipment could be approved along with the authorization to approve the resolution for the financing. Commissioner Gardner stated for the record she would be abstaining from discussing the resolution and voting as she was employed by the First Bank of Clewiston who stood to gain financially if the resolution were approved. City Attorney Schoech stated the equipment purchases were in-line with state bidding procedures. He said the financing with the bank was also bid. It was noted the trade-in value known at this time for the surplus police vehicles was \$33,600.

Vice Mayor Petersen made a motion, seconded by Commissioner Ridgill, to approve Resolution No. 2015-19 authorizing the financing and the purchase of the backhoe from Kelly Tractor, two tractors from Wesco Turf and ten police vehicles from Alan Jay for approximately a total of \$478,000 not to exceed \$500,000. Vote 3 yeas, 1 nay. Commissioner Gardner abstained from voting and Commissioner Rodriguez voted nay.

MISCELLANEOUS ACTION AND DISCUSSION ITEMS

3. **Consideration of Fee Waiver for Divine Intervention Motivational Experience (DIME) Annual Fashion Show Fundraiser** – This event will take place at the John Boy Auditorium on Saturday, November 14, 2015 and will benefit Divine Intervention Motivational Experience (DIME), an organization providing life enrichment programs for youth in the community.

Commissioner Ridgill addressed the Commission regarding the non-profit fee waivers the Commission continued to receive. She said the waivers were taking up agenda time explaining there was already a policy in place to address the waivers. She said she had prepared a motion regarding the issue and wanted to make it for the sake of discussion, stating it would be amendable and would hopefully bring some resolution on how to handle the waiver requests in the future. She stated in regards to the issue of any non-profit organization's request for fee reductions and waivers involving City of Clewiston facilities she was making the following motion.

Commissioner Ridgill made a motion, seconded by Commissioner Gardner, that a local organization presenting 501c3 not for profit status paperwork or presenting a letter from a school principal, whose related school lies within the City of Clewiston city limits, showing they are a recognized group related to a local school, be allowed to receive the non-profit rental fee rate in lieu of the standard rental rate for any event that benefits the Clewiston community, but will have to comply with all the special event insurance requirements including any fees needed to obtain the same, the security detail requirements including all associated fees to pay the City of Clewiston law enforcement officers, have any vendors they are utilizing provide the City a Certificate of Insurance listing the City of Clewiston as both the certificate holder and an additional insured, and follow any other regulations that may apply to the event. The request for the non-profit rate along with all applicable insurance certificates must be submitted a minimum of forty-five (45) calendar days before the event to the City Recreation Department Director for review and, if all specifications are met, then forwarded to be

approved or denied by the City Manager no later than thirty (30) days before the event. No waiver request shall come to the City Commission or to City Staff to be granted for any event that involves fund-raising, business or vendor type sales, games of chance or the service of alcohol. This motion further ratifies the spirit of the reason a not for profit rate was established for the John Boy Auditorium as referenced in the City of Clewiston workshop minutes for August 24, 2009. This policy shall become immediately effective on the date approved by the City of Clewiston Commission.

Commissioner Gardner stated she understood the non-profit rate had been put into effect to recoup the minimal expenses associated with a rental and that it was known the John Boy Auditorium revenue continually did not meet expenses. She also noted there were several non-profit organizations that had paid the non-profit rate since the inception for functions without receiving any fee waiver. She said she would like to see any of these non-profit organizations realize one fee waiver like the two the Commission had recently granted. She said if any non-profit organizations hadn't been paying any rate at all they should be. She said this should be a one-time only fee waiver. Recreation Director Lance Ramer stated the D.I.M.E. organization had always paid the non-profit rate and the WISH Foundation fees had been waived for the last few years. Commissioner Gardner stated she felt in order to be fair, the Commission should grant one waiver to organizations that had always paid the fee and never received a waiver. She felt the D.I.M.E. organization should realize a one-time fee waiver. Vice Mayor Petersen asked if the language provided in the motion regarding schools extended to the school clubs as well, that these school clubs would now have to pay \$560 in order to have a dinner. Commissioner Ridgdill explained she felt this was addressed in the motion where it states no waiver shall come before the Commission or the City Staff that involves fund-raising, business or vendor type sales, games of chance or the service of alcohol. She said this still allowed for school club requests to be considered by the Commission or staff. Commissioner Rodriguez said he would recommend no more waivers for 501c3 not for profit organizations, but if organizations had never received a waiver and had been paying the non-profit rate they should be granted one waiver. Commissioner Ridgdill brought up the fact the City allowed for the non-profits to set-up before events and they were only charged for the day of the event. Recreation Director Ramer explained this process and concurred that the organizations were only charged for the day of the event. Commissioner Gardner asked Commissioner Ridgdill to withdraw her motion and consider asking staff to come up with some more guidelines for the fee waivers and for the Commission to deny both of the requests on tonight's agenda in order to set a precedent that no more fee waivers would be granted. Commissioner Ridgdill withdrew her motion.

Commissioner Gardner made a motion, seconded by Commissioner Rodriguez, to deny the fee waiver request from Divine Intervention Motivational Experience (DIME). Vote 5 yeas, 0 nays.

- 4. Consideration of Fee Waiver for Women Involved in Supporting the Hospital (WISH) Annual Fashion Show Fundraiser** – This event will take place at the John Boy Auditorium on Saturday, January 23, 2016 and will benefit Women Involved in Supporting the Hospital (WISH), an organization providing funding support for improvements to Hendry Regional Medical Center as well as scholarships to qualifying individuals planning a career in the medical field. Recreation Director Ramer stated the fees for this event had been waived for years 2012, 2013 and 2014.

Vice Mayor Petersen made a motion, seconded by Commissioner Gardner, to deny granting a fee waiver for the Women Involved in Supporting the Hospital (WISH) Annual Fashion Show Fundraiser. Vote 5 yeas, 0 nays.

The Commission directed staff to come back with recommendations for a policy to handle fee waivers in the future. Commissioner Ridgdill asked staff to take risk management into consideration when devising a policy.

- 5. Approval of Final Payment to Weekley Asphalt for the Boat Basin Parking Rehabilitation Project** - City Engineers, Johnson-Prewitt & Associates, Inc. have reviewed the completed Boat Basin Parking Rehabilitation Project awarded to Weekley Asphalt Paving on July 20, 2015 for \$31,783 and recommend releasing the final payment of \$3,179.

City Manager Perry stated his recommendation would be to pay the final ten (10) percent to Weekley Asphalt.

Vice Mayor Petersen made a motion, seconded by Commissioner Gardner, to release the final payment of \$3,179 to Weekley Asphalt for the Boat Basin Parking Rehabilitation Project. Vote 5 yeas, 0 nays.

6. **Auditing Services Bid Award** – The City went out for bid for auditing services for fiscal years 2015, 2016 & 2017. One proposal was received from Boy, Miller, Kisker & Perry, P.A. in the amount of \$48,000 for fiscal year 2015 with each consecutive fiscal year audit to cost the previous year's audit fee increased in price by cost of living index (CPI).

Commissioner Gardner made a motion, seconded by Vice Mayor Petersen, to approve awarding the auditing services bid to Boy, Miller, Kisker & Perry, P.A. in the amount of \$48,000 for fiscal year 2015 audit with fiscal years 2016 and 2017 to cost the previous year's audit fee increased in price by cost of living index (CPI). Vote 5 yeas, 0 nays.

7. **Employee Tokens of Appreciation** – Since 1977, the City Commission has approved awarding Tokens of Appreciation to all City employees, full-time, part-time, volunteer firemen and Police Auxiliary. The tokens range from \$100 to \$200 depending on years of service. The total gross amount for the tokens if approved is approximately \$20,000.

Commissioner Ridgill made a motion, seconded by Vice Mayor Petersen, to award tokens of appreciation to all City employees, full-time, part-time, volunteer firemen and police auxiliary and for the tokens to range from \$100 to \$200 depending on years of service. Vote 5 yeas, 0 nays.

8. **Discussion regarding Hendry County School Board contributions for Recreation** – Removed from agenda.

9. **Discussion regarding method for fiscal year 2016 employee salary increases.** City Manager Perry stated there was some confusion as to what directive the Commission had for the budgeted salary increases for fiscal year 2016. It was his understanding the increase was to be doled out to the employees who were the top performers. Commissioner Gardner stated that was her understanding as well and noted there was no current cost of living adjustment. Vice Mayor Petersen felt the salary increases should be 1% across the board for all employees. Commissioner Ridgill stated she was in support of the 1% increase across the board for all employees.

Commissioner Gardner made a motion, seconded by Commissioner Rodriguez, to award the salary increases at 1% based on merit. Vote 3 yeas, 2 nays. Vice Mayor Petersen and Commissioner Ridgill voted nay.

10. **Update on Code Enforcement** – Chief Don Gutshall stated a magistrate hearing was set for Wednesday, November 18, 2015. The agenda will reflect only four cases that will not be as presented earlier in the month as they have come into compliance. He stated forty-two (42) cases would be heard on Wednesday. Mayor Roland opened a discussion regarding code violations. He used trailer parks as an example asking if a person was cited for an issue would it be the owner of the property or the person living in the trailer. Code Enforcement Officer Debbie McNeil stated it would depend on the violation. She said if the violation was related to the structure itself, the owner of the property would receive notice of the violation, but if the violation related to junk piling up or an unlicensed/untagged vehicle on the premises the renter would receive the violation. Mayor Roland said, in regards to trailer parks, he didn't understand why code enforcement went to individuals and not the property owner. Code Enforcement Officer McNeil stated there was a current state statute that allowed for individuals to be cited, but the City's legal counsel currently had her citing both the property renter and the property owner. City Attorney Schoech stated he felt it was necessary to include the property owner in the process as they had some control over their tenants. Code Enforcement Officer McNeil stated that all of the property owners had been noticed for the cases that would be heard by the special magistrate on November 18th. Commissioner Rodriguez stated he didn't know whether the special magistrate was paying for itself. He stated he felt the City should address some of the liens currently on record. He said some of the liens were

for big amounts and the City had been dealing with some of them for years. Commissioner Ridgill asked whether rental inspections were necessary or whether staff should currently suspend doing them if they weren't a benefit to the City. Commissioner Gardner said she would like staff to come back with a recommendation for the rental inspections and she was interested in finding out how other communities were dealing with them. She said she would like staff to come up with a recommendation at the next meeting. Laura Smith addressed the Commission stating the Code Enforcement office was over-loaded and should not be dealing with the rental inspections. She said conditions of rentals were addressed in the Land-lord Tenant Act of the State of Florida and issues could be dealt with between the land-lord and the tenant within the lease. She stated she was in favor of suspending the rental inspections. Mayor Roland stated he was in agreement to do away with the rental inspections. He said he would like to wait until the next Commission meeting and asked the City Manager and staff to get with local rental property owners to come up with recommendations regarding insuring checks and balances within the rental process.

11. Departmental Monthly Activity Reports - Presented for information only.

PUBLIC COMMENTS - At this time, any person will be allowed to speak on any matter that pertains to City business.

COMMENTS FROM CITY MANAGER – City Manager Perry informed the Commission that former City Commissioner Audie Hooks passed away on Sunday night.

COMMENTS FROM THE CITY ATTORNEY

COMMENTS FROM THE CITY COMMISSION – Commissioner Petersen noted she had heard a lot of good things regarding the tournaments that were being held at the golf course. Commissioner Gardner remarked on the Veteran's Day event stating it was certainly a memorable event acknowledging staff efforts with the Civic Park and the efforts of the Criminal Justice Academy students. Commissioner Ridgill asked if the Recreation discussion would be followed up in the next Commission meeting. City Attorney Schoech was asked to prepare for a discussion at the next Commission meeting regarding attaching a recreation fee to utility bills.

PUBLIC COMMENTS – Jerry Cochran stated in regards to the City's pension plan he felt the payment did not have to be paid until the next fiscal year. The Commission explained the payment would have to be paid by September 30, 2016, but assured Mr. Cochran they would verify the date. Mr. Cochran felt the returns being realized by the pension fund were good figures. Mr. Cochran addressed the Commission regarding the unsightly paint colors buildings were being painted, in particular on U.S. 27. He felt a committee should be created to address paint colors. Mr. Cochran was told the City was in the process of addressing the CRA and Building and Zoning Boards in regards to coming up with solutions/recommendations for this issue. Mr. Cochran also noted the loudness of the train whistles at all hours of the day and night. He felt the loud noise must be difficult for those who may live close to the train tracks and stated that coastal cities had addressed this with ordinances by banning the train whistles from 10:00 p.m. until 6:00 a.m. He urged the Commission to consider addressing this matter in the same fashion.

Dr. Chet Fields, resident, addressed the Commission concerning the absence of recycling containers throughout the City. He said not having recycling within the City was a terrible example for the youth of the community. Commissioner Gardner said the Commission had tried to address this during budget time, but it came down to a matter of funding. He said he wasn't looking for the City to address the recycling issue individually by resident, but that recycling containers be provided in the City where the recycling could be taken. He said it was very inconvenient to have to take recycling to the transfer station which was only open during certain hours making it difficult for working individuals. It was noted the recycling containers had been removed from the City due to the unsightly conditions that were created due to misuse. Dr. Fields recommended the use of cameras and felt with current technology this was a feasible solution. It was also noted Hendry County spearheaded and funded the recycling program. Staff was directed to come up with an idea to provide recycling containers in the City to be presented at the next Commission meeting.

The meeting was adjourned at 6:35 p.m.

Phillip Roland, Mayor

Shari Howell, City Clerk